

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PATRICIA GONZALEZ and JENNIFER  
GONZALEZ, individually and as co-  
administrators of the Estate of KENNY LAZO,

Plaintiffs,

-against-

COUNTY OF SUFFOLK, SUFFOLK  
POLICE DEPARTMENT, POLICE  
COMMISSIONER RICHARD DORMER, in  
his individual and official capacity, POLICE  
OFFICER JOHN NEWTON, in his individual  
and official capacity, POLICE OFFICER  
JAMES SCIMONE, in his individual and  
official capacity, POLICE OFFICER  
WILLIAM JUDGE, in his individual and  
official capacity, POLICE OFFICER  
CHRISTOPHER TALT, in his individual and  
official capacity, POLICE OFFICER JOSEPH  
LINK, in his individual and official capacity,  
COUNTY OF SUFFOLK OFFICE OF  
DISTRICT ATTORNEY, SUFFOLK  
COUNTY DISTRICT ATTORNEY THOMAS  
SPOTA, in his individual and official capacity,  
ASST. DISTRICT ATTORNEY JOHN B.  
COLLINS, in his individual and official  
capacity, and “JOHN AND JANE DOES 1-10”  
representing as yet unknown and unidentified  
members of the Office of the Suffolk County  
District Attorney (all in their individual and  
official capacities as employees of the Office  
of Suffolk County District Attorney),

Defendants.

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**SPECIAL VERDICT FORM**

**Docket No.: CV-09-1023 (ST)**

GENERAL QUESTIONS

1. Did Mr. Lazo commit a vehicle and traffic law violation on April 12, 2008?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Did Mr. Lazo subject Detective Newton to physical contact with Mr. Lazo's elbow on April 12, 2008?

Yes \_\_\_\_\_ No \_\_\_\_\_

WITH RESPECT TO OFFICER WILLIAM JUDGE

1. Could Officer Judge reasonably perceive that Mr. Lazo had struck Detective Newton with Mr. Lazo's elbow?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. When Officer Judge was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo struggle with him?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. When Officer Judge was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo attempt to move toward the highway?

Yes \_\_\_\_\_ No \_\_\_\_\_

4. When Officer Judge was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo attempt to pull away when Officer Judge bearhugged him?

Yes \_\_\_\_\_ No \_\_\_\_\_

5. When Officer Judge was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo flail his arms?

Yes \_\_\_\_\_ No \_\_\_\_\_

6. When Officer Judge was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo lift his body from the ground?

Yes \_\_\_\_\_ No \_\_\_\_\_

7. When Officer Judge was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo refuse to place his hands behind his back?

Yes \_\_\_\_\_ No \_\_\_\_\_

8. When Officer Judge was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo disregard orders to stop resisting?

Yes \_\_\_\_\_ No \_\_\_\_\_

9. When Officer Judge was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo resist Officer Judge's efforts to handcuff him and place him into custody?

Yes \_\_\_\_\_ No \_\_\_\_\_

10. When Officer Judge was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Officer Judge see or feel a tug on his gun holster?

11. Could Officer Judge reasonably believe that Mr. Lazo was going for Officer Judge's gun?

Yes \_\_\_\_\_ No \_\_\_\_\_

12. Did Officer Judge shout, "Gun! Gun! My gun!" while attempting to place Mr. Lazo under arrest for striking Detective Newton?

Yes \_\_\_\_\_ No \_\_\_\_\_

13. Could Officer Judge reasonably believe that Sergeant Scimone was in increasing danger of being run over by a motor vehicle while attempting to place Mr. Lazo under arrest for striking Detective Newton?

Yes \_\_\_\_\_ No \_\_\_\_\_

14. Could Officer Judge reasonably perceive there to be a threat to his life or to another's due to Mr. Lazo's hand being on or near Officer Judge's gun?

Yes \_\_\_\_\_ No \_\_\_\_\_

15. Could Officer Judge reasonably perceive there to be a threat to his life or to another's due to Mr. Lazo's movement toward the roadway?

16. Did Officer Judge have a reasonable opportunity to intervene in any use of force by Det. Newton and Sergeant Scimone?

Yes \_\_\_\_\_ No \_\_\_\_\_

17. Given the nature of Mr. Lazo's apparent physical injuries at the roadside at approximately 8:30 p.m. on April 12, 2008, was it reasonable that Officer Judge did not send Mr. Lazo to a hospital immediately?

Yes \_\_\_\_\_ No \_\_\_\_\_

18. Were additional medical resources available at the Third Precinct?

Yes \_\_\_\_\_ No \_\_\_\_\_

19. Did Officer Judge suffer physical injury on April 12, 2008 as a result of Mr. Lazo's actions?

Yes \_\_\_\_\_ No \_\_\_\_\_

WITH RESPECT TO DETECTIVE JOHN NEWTON

1. When Detective Newton was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo struggle with him?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. When Detective Newton was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo attempt to move toward the highway?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. When Detective Newton was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo flail his arms?

Yes \_\_\_\_\_ No \_\_\_\_\_

4. When Detective Newton was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo refuse to place his hands behind his back?

Yes \_\_\_\_\_ No \_\_\_\_\_

5. When Detective Newton was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo disregard orders to stop resisting?

Yes \_\_\_\_\_ No \_\_\_\_\_

6. When Detective Newton was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo resist Detective Newton's efforts to handcuff him and place him into custody?

Yes \_\_\_\_\_ No \_\_\_\_\_

7. When Detective Newton was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Detective Newton hear Officer Judge yell, "Gun! Gun! My Gun!"?

8. Could Detective Newton reasonably believe that Mr. Lazo was going for Officer Judge's gun?

Yes \_\_\_\_\_ No \_\_\_\_\_

9. Could Detective Newton reasonably perceive there to be a threat to his life or to another's due to Mr. Lazo's hand being on or near Officer Judge's gun?

Yes \_\_\_\_\_ No \_\_\_\_\_

10. Could Detective Newton reasonably perceive there to be a threat to his life or to another's due to Mr. Lazo's movement toward the roadway?

11. Did Detective Newton have a reasonable opportunity to intervene in any use of force by Officer Judge and Sergeant Scimone?

Yes \_\_\_\_\_ No \_\_\_\_\_

12. Given the nature of Mr. Lazo's apparent physical injuries at the roadside at approximately 8:30 p.m. on April 12, 2008, was it reasonable that Detective Newton did not send Mr. Lazo to a hospital immediately?

Yes \_\_\_\_\_ No \_\_\_\_\_

13. Did Detective Newton suffer physical injury on April 12, 2008 as a result of Mr. Lazo's actions?

Yes \_\_\_\_\_ No \_\_\_\_\_

WITH RESPECT TO SERGEANT JAMES SCIMONE

1. Could Sergeant Scimone reasonably perceive that Mr. Lazo had struck Detective Newton with Mr. Lazo's elbow?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. When Sergeant Scimone was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo struggle with him?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. When Sergeant Scimone was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo attempt to move toward the highway?

Yes \_\_\_\_\_ No \_\_\_\_\_



4. When Sergeant Scimone was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo flail his arms?

Yes \_\_\_\_\_ No \_\_\_\_\_

5. When Sergeant Scimone was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo refuse to place his hands behind his back?

Yes \_\_\_\_\_ No \_\_\_\_\_

6. When Sergeant Scimone was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo disregard orders to stop resisting?

Yes \_\_\_\_\_ No \_\_\_\_\_

7. When Sergeant Scimone was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Mr. Lazo resist Sergeant Scimone's efforts to handcuff him and place him into custody?

Yes \_\_\_\_\_ No \_\_\_\_\_

8. When Sergeant Scimone was attempting to place Mr. Lazo under arrest for striking Detective Newton on April 12, 2008, did Sergeant Scimone hear Officer Judge yell, "Gun! Gun! My Gun!"?

9. Could Sergeant Scimone reasonably believe that Mr. Lazo was going for Officer Judge's gun?

Yes \_\_\_\_\_ No \_\_\_\_\_

10. Could Sergeant Scimone reasonably perceive there to be a threat to his life or to another's due to Mr. Lazo's hand being on or near Officer Judge's gun?

Yes \_\_\_\_\_ No \_\_\_\_\_

11. Could Sergeant Scimone reasonably perceive there to be a threat to his life or to another's due to Mr. Lazo's movement toward the roadway?

12. Did Sergeant Scimone have a reasonable opportunity to intervene in any use of force by Officer Judge and Detective Newton?

Yes \_\_\_\_\_ No \_\_\_\_\_

13. Given the nature of Mr. Lazo's apparent physical injuries at the roadside at approximately 8:30 p.m. on April 12, 2008, was it reasonable that Sergeant Scimone did not send Mr. Lazo to a hospital immediately?

Yes \_\_\_\_\_ No \_\_\_\_\_

14. Given the nature of Sgt. Scimone's physical condition at the roadside at approximately 8:30 p.m. on April 12, 2008, was it reasonable that Sergeant Scimone did not send Mr. Lazo to a hospital immediately?

Yes \_\_\_\_\_ No \_\_\_\_\_

15. Given the nature of Mr. Lazo's resistance, was it reasonable that Sergeant Scimone sent Mr. Lazo directly to the Third Precinct?

Yes \_\_\_\_\_ No \_\_\_\_\_

16. Did Sergeant Scimone suffer physical injury on April 12, 2008 as a result of Mr. Lazo's actions?

Yes \_\_\_\_\_ No \_\_\_\_\_

WITH RESPECT TO OFFICER JOSEPH LINK

1. Did Officer Link believe that Mr. Lazo had been lawfully arrested when Officer Link searched Mr. Lazo in Officer Link's vehicle at the scene of the arrest?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Did Officer Link believe that Mr. Lazo had been lawfully arrested when Officer Link transported Mr. Lazo to the Third Precinct?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. Did Officer Link believe that Mr. Lazo had been lawfully arrested when Officer Link recovered Mr. Lazo's pants?

Yes \_\_\_\_\_ No \_\_\_\_\_

4. Did Officer Link believe that Mr. Lazo had been lawfully arrested when Officer Link handcuffed Mr. Lazo to the interview room desk?

Yes \_\_\_\_\_ No \_\_\_\_\_

5. Given the nature of Mr. Lazo's apparent physical injuries at the roadside at approximately 8:30 p.m. on April 12, 2008, was it reasonable that Officer Link did not send Mr. Lazo to a hospital immediately?

Yes \_\_\_\_\_ No \_\_\_\_\_

6. Given the circumstances of the arrest scene, was it reasonable that Officer Link brought Mr. Lazo directly to the Third Precinct?

Yes \_\_\_\_\_ No \_\_\_\_\_

7. At the Third Precinct, did Mr. Lazo remove one earring while Officer Link helped him remove the other?

Yes \_\_\_\_\_ No \_\_\_\_\_

7. Given the nature of Mr. Lazo's apparent physical injuries at approximately 8:40 p.m. on April 12, 2008 in the Third Precinct, was it reasonable that Officer Link did not send Mr. Lazo to a hospital immediately?

Yes \_\_\_\_\_ No \_\_\_\_\_

WITH RESPECT TO DETECTIVE CHRISTOPHER TALT

1. Given his training and experience, did Detective Talt witness a transaction on West 1<sup>st</sup> Street that was consistent with a hand-to-hand drug transaction?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Did Detective Talt authorize a traffic stop of the blue Cadillac that was supported by a Vehicle and Traffic Law violation?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. When Detective Talt first saw Mr. Lazo at approximately 8:50 p.m., given Mr. Lazo's apparent physical injuries at that time, was it reasonable that Detective Talt did not send Mr. Lazo to a hospital immediately?

Yes \_\_\_\_\_ No \_\_\_\_\_

4. Did Mr. Lazo request a cup of water from Detective Talt?

Yes \_\_\_\_\_ No \_\_\_\_\_

5. Did Detective Talt bring Mr. Lazo a cup of water?

Yes \_\_\_\_\_ No \_\_\_\_\_

6. Did Mr. Lazo drink the water that Detective Talt brought?

Yes \_\_\_\_\_ No \_\_\_\_\_

7. Did Mr. Lazo engage in conversation with Detective Talt?

Yes \_\_\_\_\_ No \_\_\_\_\_

8. When Mr. Lazo stopped engaging in conversation with Detective Talt, did Detective Talt seek medical assistance?

Yes \_\_\_\_\_ No \_\_\_\_\_